

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

In the Matter of

COVER SHEET

Application of Duke Energy Carolinas, LLC for  
Approval of Decision to Incur  
Nuclear Generation Pre-Construction Costs

DOCKET  
NUMBER: 2007-440-E

(Please type or print)

Submitted by: Frank R. Ellerbe, IIISC Bar Number: 1866

Address: Robinson, McFadden & Moore, P.C.  
P.O. Box 944  
Columbia, SC 29202

Telephone: (803) 779-8900Fax: (803) 252-0724

Other: \_\_\_\_\_

Email: fellerbe@robinsonlaw.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

**DOCKETING INFORMATION** (Check all that apply)

- ☐ Emergency Relief demanded in petition      ☐ Request for item to be placed on Commission's Agenda expeditiously
- ☐ Other: \_\_\_\_\_

| INDUSTRY (Check one)                                 | NATURE OF ACTION (Check all that apply)            |  |  |
|--|--|--|--|
| <input checked="" type="checkbox"/> Electric         | <input type="checkbox"/> Affidavit                 | <input checked="" type="checkbox"/> Letter                 | <input type="checkbox"/> Request                   |
| <input type="checkbox"/> Electric/Gas                | <input type="checkbox"/> Agreement                 | <input type="checkbox"/> Memorandum                        | <input type="checkbox"/> Request for Certificatio  |
| <input type="checkbox"/> Electric/Telecommunications | <input type="checkbox"/> Answer                    | <input type="checkbox"/> Motion                            | <input type="checkbox"/> Request for Investigation |
| <input type="checkbox"/> Electric/Water              | <input type="checkbox"/> Appellate Review          | <input type="checkbox"/> Objection                         | <input type="checkbox"/> Resale Agreement          |
| <input type="checkbox"/> Electric/Water/Telecom.     | <input type="checkbox"/> Application               | <input type="checkbox"/> Petition                          | <input type="checkbox"/> Resale Amendment          |
| <input type="checkbox"/> Electric/Water/Sewer        | <input type="checkbox"/> Brief                     | <input type="checkbox"/> Petition for Reconsideration      | <input type="checkbox"/> Reservation Letter        |
| <input type="checkbox"/> Gas                         | <input type="checkbox"/> Certificate               | <input type="checkbox"/> Petition for Rulemaking           | <input type="checkbox"/> Response                  |
| <input type="checkbox"/> Railroad                    | <input type="checkbox"/> Comments                  | <input type="checkbox"/> Petition for Rule to Show Cause   | <input type="checkbox"/> Response to Discovery     |
| <input type="checkbox"/> Sewer                       | <input type="checkbox"/> Complaint                 | <input type="checkbox"/> Petition to Intervene             | <input type="checkbox"/> Return to Petition        |
| <input type="checkbox"/> Telecommunications          | <input type="checkbox"/> Consent Order             | <input type="checkbox"/> Petition to Intervene Out of Time | <input type="checkbox"/> Stipulation               |
| <input type="checkbox"/> Transportation              | <input type="checkbox"/> Discovery                 | <input type="checkbox"/> Prefiled Testimony                | <input type="checkbox"/> Subpoena                  |
| <input type="checkbox"/> Water                       | <input type="checkbox"/> Exhibit                   | <input type="checkbox"/> Promotion                         | <input type="checkbox"/> Tariff                    |
| <input type="checkbox"/> Water/Sewer                 | <input type="checkbox"/> Expedited Consideration   | <input type="checkbox"/> Proposed Order                    | <input type="checkbox"/> Other:                    |
| <input type="checkbox"/> Administrative Matter       | <input type="checkbox"/> Interconnection Agreement | <input type="checkbox"/> Protest                           |  |
| <input type="checkbox"/> Other:                      | <input type="checkbox"/> Interconnection Amendment | <input type="checkbox"/> Publisher's Affidavit             |  |
|  | <input type="checkbox"/> Late-Filed Exhibit        | <input type="checkbox"/> Report                            |  |



**ROBINSON MCFADDEN**  
ATTORNEYS AND COUNSELORS AT LAW

ROBINSON, MCFADDEN & MOORE, P.C.  
COLUMBIA, SOUTH CAROLINA

March 25, 2008

**VIA ELECTRONIC FILING**

Mr. Charles Terreni  
Chief Clerk of the Commission  
Public Service Commission of South Carolina  
Synergy Business Park, Saluda Building  
101 Executive Center Drive  
Columbia, SC 29210

**Frank R. Ellerbe, III**  
1901 MAIN STREET, SUITE 1200  
POST OFFICE BOX 944  
COLUMBIA, SOUTH CAROLINA 29202  
  
PH  
(803) 779-8900 | (803) 227-1112 *direct*  
FAX  
(803) 252-0724 | (803) 744-1566 *direct*  
fellerbe@robinsonlaw.com

**Re: Application of Duke Energy Carolinas, LLC for Approval of Decision  
to Incur Nuclear Generation Pre-construction Costs  
Docket No. 2007-440-E**

Dear Mr. Terreni:

This firm represents Duke Energy Carolinas in the referenced docket. Pursuant to the December 19, 2007 directive of the Docketing Department the deadline for Duke Energy Carolinas to file its rebuttal testimony is March 27, 2008. That directive also requires any surrebuttal testimony to be filed by April 3, 2008. Because we received testimony in opposition to the application on Thursday immediately before the Easter weekend, we request an extension of these two deadlines. Specifically, we ask that the deadline for rebuttal testimony be moved back to April 2, 2008 and the deadline for surrebuttal testimony be moved to April 9, 2008. The hearing is scheduled for April 17, 2008 and we believe that the proposed revised deadlines will allow ample time for all parties to be prepared for the hearing.

I have consulted with all parties about this request. The Office of Regulatory Staff and the South Carolina Energy Users Committee do not oppose the request. Counsel for the Friends of the Earth has not agreed to the request and has asked for an opportunity to be heard on it. Because of the time pressures I am asking that the Commission address this request at its meeting tomorrow afternoon. I have informed counsel for Friends of the Earth that I would be making that request and have asked that he submit any opposition to our request this afternoon or tomorrow so that the Commission can address the issues at tomorrow's meeting.

Based on the discussion I had with counsel for Friends of the Earth it appears that his objection to our request relates to potential disputes between us on discovery issues. Our responses to the discovery requests of Friends of the Earth are not yet due and the disputes which may arise are not ripe for resolution. In any event, the extension we are requesting will not prejudice the Friends of the Earth in their efforts to conduct discovery or to prepare for the hearing in this matter. Accordingly, we request that the Commission grant the reasonable extension which we have requested.

Thank you for considering this request.

Yours truly,

ROBINSON, McFADDEN & MOORE, P.C.

A handwritten signature in black ink, appearing to read 'F. Ellerbe', with a stylized flourish at the end.

Frank R. Ellerbe, III

FRE/lla

cc: Joseph M. Melchers, Esquire (via email)  
Kodwo Gharthey-Tagoe, VP Legal, State Regulation (via email)  
Lawrence B. "Bo" Somers, Assistant General Counsel (via email)  
Nanette Edwards, Esquire (via email)  
C. Lessie Hammonds, Esquire (via email)  
Scott A. Elliot, Esquire (via email)  
Robert Guild, Esquire (via email)